# 1NC v IPV – Cashin’ Out

## Case

### Cashin’ Out

#### When we identify a problem, we will use the justification for this obvious bad thing and try to find remedies for it. The problem with the affirmative is that they have simply overlooked the cultural ways in which black men are seen, black men are perceived, and black men have to deal with life. The affirmatives framing of IPV ignores the cultural perception of what it means to ban guns for IPV incidents, the aff allows IPV to be associated purely with black males who simply beat their wives and don’t know better.

David J. **Leonard** Antiblack Racism and Moral Panics A National Pastime: Antiblack Racism and Moral Panics September 20, 20**14** Professor and Chair  
Ph.D., University of California, Berkeley David J. Leonard is professor in the Department of Critical Culture, Gender, and Race Studies at Washington State University, Pullman. With a B.A. in black studies from the University of California, Santa Barbara, and a master’s and Ph.D. from the University of California, Berkeley, he has dedicated his career to interdisciplinary scholarship, transformative teaching, and research that underscores the continued significance of race within popular culture, the structures of politics, and society at large

http://www.theblackscholar.org/a-national-pastime-antiblack-racism-and-moral-panics/

Directed at Rice (and several other players), and Roger Goodell for failing to properly control, discipline, and punish the NFL’s “out-of-control,” **the moral panic feels less and less about intimate partner violence (IPV),** hyper masculinity, **a culture of violence, misogyny, or patriarchy**, **but instead yet another moment to locate social ills within the bodies of black men**. Blackness, especially in the sporting world, is “legible” (Neal 2014) only as signifiers of dysfunctional, danger, criminality, and corruption. **This has been the case with IPV,** and equally evident in the aftermath of Adrian Peterson’s arrest. According to [Jamelle Bouie](http://www.slate.com/articles/news_and_politics/politics/2014/09/blacks_and_corporal_punishment_why_we_invent_black_pathologies.html), “**It’s reminiscent of other conversations around broad-based behaviors or beliefs that become pathological and purely “black” when displayed by black Americans in elevated numbers.” As black bodies are** ubiquitously **imagined as essentially disruptive**, uncontrollable, as a source of “cultural degeneracy” **the problem of IPV becomes not an American problem** and not even one belonging to the NFL — **but a problem of blackness**. **Blackness exists as “a problematic sign and ontological position**” (Williams 1998, p. 140). **The outrage resulting from Ray Rice reflects the logics of anti-black racism, perpetuating a culture that sees blackness as the problem, one that needs to be contained, purified, controlled, punished, and ultimately eliminated**. **The outrage has little to do with the pervasive and endemic problem of IPV** [within the NFL](http://fivethirtyeight.com/datalab/the-rate-of-domestic-violence-arrests-among-nfl-players/) and society as a whole**. In a nation where 1 in 3 women report having experienced IPV, where 1 in 5 men admit to having committed violence against a partner, one has to wonder why now, why did Ray Rice prompt a national soul searching regarding the problem of IPV?** **In a nation, where the media and the court system routinely rationalize the prevalence of IPV through victim blaming and excuse making,** forgive me if **I ain’t buying this feigned outrage**.

#### And TURN. The obsession with the IPV epidemic that plagues the black community is a manifestation of White profit off of our failures. The hypervisibility of “aggressive” black males is used to further agenda disgusted as feminism that is really just capitalist white supremacy. “When black guys mess up, everybody gets paid”! Reed 2k14:

Reed, Ishmael. When Black Guys Mess Up, Everybody Gets Paid. (2014) < http://www.counterpunch.org/2014/10/10/when-black-guys-mess-up-everybody-gets-paid/>

But do these men represent all black men? To the cable networks, who have been searching for an O.J., who would boost their ratings, they do. The O.J. trial saved CNN. Black men not only were assets for the cotton industry but are assets for the football and the cable industries as well.When black men mess up; everybody gets paid. What Bill Withers said in his song “Use Me” must apply to them. “You just keep on using me / Until you use me up” And so Ray Rice’s brutal decking of his spouse followed a familiar pattern. First the shocking footage went viral. Then, to boost ratings, the virus spread to include other black men who’d perpetrated domestic violence, the old black bogeyman trope that has earned hundreds of millions of dollars and created political careers. Every time I see Senator Corker on television, I’m reminded that he got to the senate by pairing his opponent, Harold Ford, with a white woman. The Anne Card. In the course of the week Chris Brown, Mike Tyson, Floyd Mayweather were shamed and of course O.J. And by the middle of the week a guest on Joy Reid’s show indicted all black men. The behavior of one group of men toward women was not examined. They are the men who own the cable networks and provided the majority of the commentary about the actions of black men. They were all over MSNBC in a self-righteous orgy of tsk tsking about the behavior of the brothers. The on air feminists who gave black men such a drubbing during the week are their colleagues and protectors.

#### And, TURN. The affirmative’s assumption that black and brown women are affect by IPV disproportionately ignores that a majority of perpetrators are white men. Reed 2:

Reed, Ishmael. When Black Guys Mess Up, Everybody Gets Paid. (2014) < http://www.counterpunch.org/2014/10/10/when-black-guys-mess-up-everybody-gets-paid/>

On Tuesday, Sept.16.William Rhoden of the Times, appearing on an MSNBC show, said that black and brown women were the ones most affected by domestic violence. He’s wrong. The typical domestic violence perpetrator is a white male. For example, if one in five college women are raped, the rapist is most likely to be a white male since college enrollment for black men is low. Yet, when a black football player was alleged to have committed a rape, an “investigative report” about the rape began on page one of the Times and jumped to fill two pages. Some of the most enthusiastic commentary about the violent actions of some black football players came from media white women, who work at networks that have had problems with sexism since the beginning of the medium. This case of a black male abuser shows that some black males acting stupid can really get the bourgeois sisterhood riled up, with such cases beginning a “national discussion” about domestic violence. If the middle class corporate sisterhood, those who, according to Harriet Fraad, co- opted a working class integrated feminism, had been as riled up about Proposition 209, or Welfare Reform these legislation would never have passed. I’ve rarely seen the National Organization so pumped. Well, maybe when a black male, Clarence Thomas ignited a “ national discussion” about sexual harassment in the workplace, or when a black fictional character “Mr.” in Steven Spielberg’s version of “The Color Purple” began an international discussion about domestic violence and incest. When I posted a comment about the National Organization for Women on Facebook, some criticism of the organization from black women began to appear in the replies. Such criticism has been muffled by the media, owned by wealthy white men, who chose feminist leaders just as they choose black leaders, Hispanic, and Asian American leaders. Activist Jolynn Brooks wrote:” Why doesn’t anyone speak to that fact that American feminists in large part are not egalitarian but too often anti-male as well as anti-black? I found this fact to be evident in the membership of the National Organization for Women. I was in attendance when they voted down the candidacy of a black woman, Efia Nwangaza, for a leadership position with the thinnest of reasons. These bourgeois feminists are not revolutionary in their political orientation but rather totalitarian. They don’t want to replace the present political system with one that is just, principled, or guided by the dictates of each according to her/his ability; each according to her/his need. Instead, they are bald and bold in their need to replace white male patriarchy with a female version complete with its own bigotry and white-skin. “

#### And, TURN. The affirmative’s use of domestic violence ignores the sexual violence black males face. This is not a link of omission, this is the affirmative’s scholarship of domestic violence being centered on women that discursively legitimizes the sexual violence against the black male.

Tommy J. **Curry** The Eschatological Dilemma: The Problem of Studying the Black Male only as the Deaths that Result from Anti-Black Racism. 20**14**

**The sexual violence of Black men and boys has remained a routine aspect of racial violence.** In our everyday lives**, Black men are publically assaulted sexually and exposed to the sexual coercion of the police state, but their stories and these public displays of racism’s sexual component is an unapproachable study under our current disciplinary arrangement of knowledge**, specifically the gender category itself. On January 7th, 2014 Darrin Manning, a 16 year old Black boy, was castrated by a female police officer that found him suspicious. Mr. Manning was a child, a straight “A” student, he was searched, patted down, and then his testicles were squeezed by this woman of the state so hard that they ruptured as indicated by an audible popping.[[1]](#endnote-1) This is not as uncommon as one might think. **Young Black males are constantly subjected to sexual assault and coercion by their daily encounters with the state, in the seclusion created on the street through police interrogations, and** under the aegis of the now unconstitutional surveillance practices known as **“Stop and Frisk.”** [[2]](#endnote-2) On August 9th, 1997, Abner Louima, a Haitian man, was sexually assaulted by officer Justin Volpe in a Brooklyn police station. Louima was arrested for allegedly striking Volpe in a crowd. Once transported to the police station, Louima was forced into a bathroom, where Volpe grabbed his testicles, kicked him in the groin, and then anally penetrated him with a bathroom plunger. Showing no remorse, or rather the sexual etiquette of the police state towards Black men, he paraded the plunger around the station as proof of his conquest. [[3]](#endnote-3) On August 28, 2004, Coprez Coffie was stopped by officers Scott Korhonen and Gerald Lodwich. In an effort to find drugs, officer Korhonen stuck a screwdriver in Coffie’s anus. [[4]](#endnote-4) **Even when white officers assault other non-white peoples, there is an association with the sexual violence committed by the police with Black men.** Angel Perez was raped into submitting to be an informant. In October of 2012, the Chicago police sodomized him with a pistol, with one officer yelling, “I hear that a big [B]lack nigger dick feels like a gun up your ass.”[[5]](#endnote-5) The sexual violence of the police is not isolated to the act of sodomy. **The fear that white men have had of the Black rapist, the mythical beast conjured within the white imagination to justify lynching, also serves as a justification for violence against Black men.** On September 16th, 2013 the white state replied to a 911 call of a white woman fearful of a Black man asking for help at her door step after surviving a car accident. Her fear of this Black man named Jonathon Ferrell led to his murder by the white men of the state.[[6]](#endnote-6)

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Today, the Black intellectual writes and assimilates Blackness into the colonial categories of disciplines to escape actual death—real physical death, and attempts to distance themselves from this death through class mobility and social recognition, the Black class able to observe the dying Black folk. Blackness is written out of the academic enterprise generally, forced into conceptual expressions of convergence and canonical imitation, while **Black maleness is** altogether ignored and erased specifically**, thought of** only **as pathological;** the platform from which other gendered discourses form in reaction towards. In spite of the world before us, where **young Black boys—children—are murdered by the state,** and other **white vigilantes for their potentiality and propensity to become Black men, academic writing—the research it aims to convey, remains categorically indifferent to the contradictions that Black maleness holds in a white supremacist state that not only denies “masculinity,**” to Black men and boys, **but imposes patriarchy upon them as them concretely in the unfettered and accepted violence against them wielded not only by white men and women, but rationally enforced by the state.**[[7]](#endnote-7) For these studies, the “writing about,” is not enough. **The erasure of the Black male from philosophical and conceptual study is not the result of “a failure to attend to,” but rather a deliberate attention to the need to** displace/**eliminate the realities of Black men deaths,** and the violence against Black boys, our children, to enforce the division between disciplinary knowledge and the “problem people” observed as objects of study.[[8]](#endnote-8)

### **Framing**

#### Counter ROB: Vote for the debater who best breaks down discursive representations of antiblackness.

#### Discursive aspects of policy representation control the internal to effective policy. Gehrke 98

Pat J. Gehrke, University of South Carolina- Columbia. “Critique Arguments as Policy Analysis: Policy Debate Beyond the Rationalist Perspective”. Contemporary Argumentation and Debate, Volume 19, Page 18-39. 1998.

Not all critique arguments focus on value hierarchies. There is a general trend toward critiques focused on values implicit in the arguments advocates construct or the ways they are expressed. Similar movements in policy studies to incorporate interpretive theories and theories of communicative action have begun to overturn the presumption that a policy communicates only its own implementation. Interpretive perspectives on policy offer unique advantages in repairing our policy deliberation model, as well as the pedagogical benefits of deeper understanding of both specific policies and the policy process. It is important that we not think of policies in purely rational modes, but realize what we say through them to others and ourselves. Policy discourse and **policies** themselves can **have profound communicative implications** from the beginning to the end of the policy cycle. **Since public policy is by definition interactive** (that is, it must occur between people), policies **[they] have no option but to exist** predominantly **as communicative events**. As a society "we live in and are confined to a communicated and communicable world" (Vickers 25), and **we cannot separate** our **policy** options **from the communicative acts they represent** and the communications by which we represent them. The existence of the resolution itself and an affirmative team's operationalization of that resolution are profoundly communicative. Policy scholar James Rogers argues that **policy advocacy can alter belief[s]** systems,provide new paradigms, have an agenda setting effect, **affect how** policy **issues are problematized, and change the way solutions are viewed and evaluated** (22-27). Policy discourse begins, as do most affirmative cases, with an explication of the problems with existing policies. However, practical problems must be constructed, interpreted, and made sense of in the complex contexts at hand (Forester, "No Planning" 60). Hence, debaters as policy evaluators and advocates begin by problematizing the status quo. This act simultaneously creates some identities and roles while negating others. It communicates not only a what, but also a who, a why, and much more. The first impact of any affirmative case is to mark and modify the social and political world. Policy discourse communicates values and interpretations about a policy, its subjects, the objects it acts upon, and the world in which advocates seek to implement it. **These communications shape the way that agents implement** or carry out **those policies** (Bullis and Kennedy 543). Cornell professor of city and regional planning John Forester argues that public policies "alter the 'communicative infrastructure' of institutions that mediate between structural processes of social learning and the practical, situated claims-making process of social interaction" *(Critical Theory* 146). **Thus**, as policy analysts and policy makers, **debaters** and critics **must explore methodologies that can account for the communicative impact of policy discourse.** Initially we may find such an approach in an interpretive perspective on policy. An interpretive approach to policy analysis focuses on the meanings of policies, on [and] the values, feelings, and/or beliefs that they express, and on the processes by which those meanings are communicated to and interpreted by various audiences (Yanow 8-9). From this view, debaters may **look to policy discourse as a rhetorical artifact subject to critical** rhetorical **analysis** or similar analyses. **We cannot** neatly **separate policies from the** language and **advocacy that brings about their implementation.** Policies communicate both through action and through the arguments which advocate action. In light of the nationalist and racist rhetoric of extreme anti- immigration politicians, we should not be surprised to hear of border patrol officers abusing non-white people at the U. S. borders. Or, consider what the United States communicated through the Tuskegee experiments. Over 20 years after the conclusion of the Tuskegee study, what it communicated and continues to communicate about the attitudes of governments and medical institutions toward blacks is still having profound impacts. AIDS education program developers have found that the Tuskegee experiment left a legacy which leads many blacks, especially in the rural south, to believe, "that IfV ... was deliberately created to kill black people, that AZT ... was a plot to poison them, that condom distribution was part of a government plan to reduce the number of black births and that needle exchange programs were designed to foment drug use in minority communities" (Stryker E4). Arguably, some policies may intend no more than their implementation. However, that does not free such policies from responsibility for far more than they intend. While methods for considering these interpretive and communicative aspects of a policy are beyond the rationalist perspective, any evaluation of policy options must consider these communicative perspectives. To limit these interpretations to the intentional and the naive is to limit policy discourse and policy analysis, destroying our ability to consider the communicative effects and influences of policy advocacy. In her analysis of the published reports of the Tuskegee study, Martha Solomon notes that one reason the Tuskegee experiment continued for as long as it did was that the rhetorical conventions of the scientific community obscured and encouraged neglect of crucial human concerns (243- 244). Her focus necessarily extends far beyond the intentional, naive, rogate meanings of the Tuskegee texts. While recognizing these language choices were not intentional attempts to deceive or manipulate, Solomon accounts for their occurrence and impact upon the policy process. Attempts at similar analysis of proposed policies might act as a check against policy actions such as the Tuskegee study. Ignorance of these aspects of policy analysis may persuade debaters that policies that meet rational cost-benefit criteria are always the most effective and preferential policy options, regardless of how they characterize individuals or communicate roles and obligations. Similarly, it will leave debaters unable to account for the often enduring and dramatic effects of the communicative aspects of policies and policy advocacy. [[9]](#footnote-1)

#### Which means if we show an solvency deficits or turns on case we don’t have to solve the aff we just have to win terminal defense showing they don’t solve and their representations in fact make things worse from the status quo, we’ve shown turns on case now let’s go to the actual plan

### Solvency

On solvency—they have none, 4 responses:

#### 1. People have to report abuse—domestic violence is so harsh that barely anyone reports it which means you should be skeptical on aff solvency because for the plan to be in effect the people abused have to report their partners

#### 2. Also, there has to be an actual trial to see if the partners abused anyone—takes too long so the plan has no effect—these are analytical solvency deficits that just show that plan wouldn’t create any change

#### 3. IPV won’t pass in the government—the GOP does not care about IPV.

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Ph.D., University of California, Berkeley David J. Leonard is professor in the Department of Critical Culture, Gender, and Race Studies at Washington State University, Pullman. With a B.A. in black studies from the University of California, Santa Barbara, and a master’s and Ph.D. from the University of California, Berkeley, he has dedicated his career to interdisciplinary scholarship, transformative teaching, and research that underscores the continued significance of race within popular culture, the structures of politics, and society at large

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The political power structure, particularly the GOP, should have a seat; they should delete their press releases and their demands for “zero tolerance” and simply look in the mirror**.   From its foot dragging with the reauthorization of the**[**Violence Against Women**](http://www.thedailybeast.com/articles/2013/02/12/the-gop-and-violence-against-women.html)**Act to its budgetary PRIORITIES, it is clear that the political structure is perfectly fine with domestic violence.** Combatting violence against women is not a priority, at least if it requires more than a press conference. In 2013, the National Domestic Violence Hotline was unable to answer “77,000 calls due to lack of resources.” And this isn’t the only example of how the GOP, and the Congress as a whole, has no moral standing with respect to IPV. … “**The Republican romance with gun rights has proved deadly. More than**[**60 percent**](http://libcloud.s3.amazonaws.com/9/8d/3/1757/Gun_laws_and_violence_against_women.pdf)**of women killed by a firearm in 2010 were murdered by a current or former intimate partner**. **The presence of a firearm during a domestic violence incident increases the likelihood of a homicide by an astonishing**[**500 percent**](http://www.salon.com/2013/09/12/take_his_guns_away_already_why_the_george_zimmermans_are_so_protected/)**,** writes [Katie McDonough](http://www.salon.com/2014/09/11/an_entire_party_of_roger_goodells_calling_out_the_gops_domestic_violence_problem/). “**The Republican-led assault on reproductive freedom has**[**major implications for victims of domestic violence**](http://www.salon.com/2014/09/11/an_entire_party_of_roger_goodells_calling_out_the_gops_domestic_violence_problem/Seven%20percent%20of%20the%20women%20surveyed%20by%20Guttmacher%20after%20seeking%20an%20abortion%20reported%20that%20they%20had%20been%20physically%20or%20sexually%20abused%20by%20the%20man%20with%20whom%20they%20became%20pregnant.)**.** Republican [resistance to mandatory paid leave policies](http://www.huffingtonpost.com/2014/03/18/andrea-keiffer-whiners_n_4985812.html) means that women who need time off to leave an abusive relationship or are hospitalized after a domestic violence incident can lose their jobs for missing work.” **Congress and their friends**[**at the NRA**](http://www.salon.com/writer/katie_mcdonough/), like the NFL, **is reflective of a culture of domestic violence and a complicit actor in the daily injustices experienced by all too many women and children in this society**. In a nation where judges and [police officers](http://www.theatlantic.com/national/archive/2014/09/police-officers-who-hit-their-wives-or-girlfriends/380329/) (“family violence is two to four times higher in the law-enforcement community than in the general population”) engage brutal acts of violence against women with impunity, where ESPN and other sports media, routinely mock and reduce women to dehumanized objects of consumption and ridicule, it is hard to believe in this feigned and surely short-lived outrage about Domestic Violence (DV).

#### 4. Intimate Partner Violence is systematic—meaning it is engrained in our culture. Policies only allow scapegoating and racist moralism, focus on mass incarceration and criminal records—the aff’s dependence on a policy not only won’t pass, but is already framed in a horrible way to over the systematic culture of IPV and reproduces antiblackness.

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**The** rampant hypocrisy, the **racist moralism**, **and the scapegoating are equally evident in the types of “solutions” being proposed. In the face of rightful, even when misplaced, outrage, the NFL created a VP position in charge of “social responsibility**” (to be filled by Anna Isaacson, the league’s current VP of community affairs and philanthropy) and hired three domestic advisors (Lisa Friel, Jane Randel and Rita Smith). Goodell, the benevolent white father figure whose primary responsibility was disciplining the league’s “unruly” black bodies had failed. In this context, 4 white women have replaced him. **The focus on punishment, the embracing of the language of mass incarceration, and the moral posturing should give us pause in that the logics, tropes, and policies that have compelled mass incarceration are the center of the NFL’s reclamation project.**   **The focus on individual accountability (which needs to be part of the process) at the expense of collective transformation and societal cultural change, the concern with response rather than dealing with root causes highlights the systemic failures to truly address intimate partner violence.**

### Criminalization

#### The aff’s criminalization of guns creates an incentive for police to now crack down on guns instead of drugs—empirics prove

Gourevitch June 30th, 2015 ALEX. "Gun Control’s Racist Reality: The Liberal Argument against Giving Police More Power." Saloncom RSS. Salon, 24 June 2015. Web. <http://www.salon.com/2015/06/24/gun\_controls\_racist\_reality\_the\_liberal\_argument\_against\_giving\_police\_more\_power/>.

The dead are buried, the murderer apprehended, and the shock has started to wear off. Now comes the public reaction to the massacre in Charleston.¶ Soon after the shootings at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina, the first black president of the United States offered some thoughts on Dylan Roof’s racist attack. First and foremost, President Obama said, recent events were about how “innocent people were killed in part because someone who wanted to inflict harm had no trouble getting their hand on a gun.” The killings were also about a “dark chapter in our history,” namely racial slavery and Jim Crow. Obama only suggested practical action regarding the first issue, namely gun control.¶ He did not consider that such measures will make the persistence of the second problem even worse.¶ It is perhaps counterintuitive to say so but gun control responses to mass killings – whether racially motivated or otherwise – are a deep mistake. The standard form of gun control means writing more criminal laws, creating new crimes, and therefore creating more criminals or more reasons for police to suspect people of crimes. More than that, it means creating yet more pretexts for a militarized police, full of racial and class prejudice, to overpolice.¶ As multiple police killings of unarmed black men have reminded us, the police already operate with barely constrained force in poor, minority neighborhoods. From SWAT to stop-and-frisk to mass incarceration to parole monitoring, the police manage a panoply of programs that subject these populations to multiple layers of coercion and control. As a consequence, more than 7 million Americans are subject to some form of correctional control, an extremely disproportionate number of whom are poor and minority.¶ While it is commonly assumed that the drug war is to blame for all this, work by scholars like Benjamin Levin and Jeff Fagan demonstrates that already existing gun control efforts also play an important role. One of the most notorious areas of policing, the NYPD’s stop-and-frisk program, was justified as a gun control rather than a drug war measure. In the name of preventing violence, hundreds of thousands of poor minorities are subject to searches without probable cause each year. Further, a range of Supreme Court-authorized exceptions to standard Fourth Amendment protections against illegal search and seizure derive from a concern with gun violence.¶ This invasiveness is a necessary feature of criminalized gun possession. After all, policing guns is just like policing drugs. Like drugs, there are a vast number of guns. Possession is far more widespread than can possibly be policed so decisions have to be made about where to devote resources. Furthermore, since possession itself is the crime, the only way to police that crime is to shift from actual harm to identifying and preventing risks. As legal scholar Benjamin Levin argues in a forthcoming piece¶ “Searching for guns – like searching for drugs – can easily become pretextual, a proxy for some general prediction of risk, danger, or lawlessness.”¶ In other words, there must be selective enforcement, where enforcement includes invasive searches based on existing prejudices about who is and isn’t dangerous. For example, as research by Jeff Fagan and Garth Davies shows, in the late 1990s, the NYPD used suspected weapons violations to justify numerous stops, even though these stops resulted in fewer arrests than stops for other crimes. And when it comes to individualized assessments of who is dangerous and worthy of punishment, every study shows steep, and unfounded, bias. Michelle Alexander, quotes a former U.S. attorney in her recent sensation, “The New Jim Crow,” saying the following:¶ “I had an [assistant U.S. attorney who] wanted to drop the gun charge against the defendant [in a case which] there were no extenuating circumstances. I asked, ‘Why do you want to drop the gun offense?’ And he said, ‘He’s a rural guy and grew up on a farm. The gun he had with him was a rifle. He’s a good ol’ boy, and all good ol’ boys have rifles, and it’s not like he was a gun-toting drug dealer.’ But he was a gun-toting drug dealer, exactly.”¶ This isn’t just a point about conscious and unconscious biases towards poor minorities – biases that some imagine can be removed with proper training. No matter how neutral the laws are, their enforcement must remain unequal and unfair. That is because the policing involved would never be tolerated if they affected politically influential groups to the same degree. These policing practices persist because they are disproportionately directed against marginal populations.¶ Once individuals find themselves arrested gun control reappears as a reason for increasing punishment. Gun possession can be used to enhance sentences for other crimes and even functions as a kind of double punishment when that possession becomes the reason for also tacking on an extra criminal charge. Gun charges are also a part of the excessive and racially unequal over-charging practices that not only contribute to rising incarceration rates but also ends force numerous individuals away from trial and into plea bargains. Poor Blacks and Latinos are easily intimidated by charge-happy prosecutors into accepting plea deals, meaning they never see their day in court. Some even end up admitting to crimes they did not commit just to avoid the possibility of more severe punishments. More criminal gun laws would only feed this deeply unjust system.¶ There is an unrecognized gap between the justification for gun control and its most likely effect. There is no reason to expect fair enforcement of gun control laws, or even that they will mainly be used to someone prevent these massacres. That is because how our society polices depends not on the laws themselves but on how the police – and prosecutors and courts – decide to enforce the law. Especially given how many guns there are in the U.S., gun law enforcement will be selective. That is to say, they will be unfairly enforced, only deepening the injustices daily committed against poor minorities in the name of law and order.¶ It is hard to imagine any feasible gun control laws doing much to decrease mass shootings. But it is easy to see how they will become part of the system of social control of mostly black, mostly poor people. There are already too many crimes, there is too much criminal law, and there is far too much incarceration — especially of black people. To the degree that all that is part of the “dark chapter in our history,” given the deep injustice of our society, and especially its policing practices, the actual practice of gun control will continue that dark chapter, not resolve it.¶ Of course, a reasonable gun control regime is logically possible. We can imagine one in our heads. But it is not politically possible in the United States right now. And it is a great error to think that gun control is the path to racial justice. More likely, it is the other way around. Racial justice is a precondition for any reasonable gun control regime.¶ That, perhaps, is why the demands that have emerged from the #blacklivesmatter movement focus not on gun control but instead on demilitarizing the police and investing in “jobs, housing, and schools” for those “black communities most devastated by poverty.”¶ What happened in Charleston is a horrific tragedy. The criminal law will not solve it. I wish I had a better solution ready at hand. I don’t, though I think it would start by freeing our political imagination from instinctively reaching for the criminal law.

### Inherency

#### Vote neg on presumption their aff is the status quo they are not a shift

[**U.S. Attorneys**](http://www.justice.gov/usao) **13**» [U.S. Attorneys' Manual](http://www.justice.gov/usam) » [Criminal Resource Manual](http://www.justice.gov/usam/criminal-resource-manual) » [CRM 1000-1499](http://www.justice.gov/usam/crm-1000-1499) » [Criminal Resource Manual 1101-1199](http://www.justice.gov/usam/criminal-resource-manual-1101-199)Restrictions on the Possession of Firearms by Individuals Convicted of a Misdemeanor Crime of Domestic Violence http://www.justice.gov/usam/criminal-resource-manual-1117-restrictions-possession-firearms-individuals-convicted

The following is the full text of an announcement that was sent by the Criminal Division to the United States Attorneys' Offices upon the passage of Title 18, United States Code, Section 922(g)(9) (the Lautenberg Amendment) in the fall of 1996. This provision amends the Federal Gun Control Act of 1968 by banning the possession of firearms by individuals convicted of a misdemeanor crime of domestic violence. GUN BAN FOR INDIVIDUALS CONVICTED OF A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE -- 18 U.S.C. § 922(g)(9) **The 1968 Gun Control Act and subsequent amendments** codified at 18 U.S.C. § 921 *et seq.* **prohibit anyone convicted of a felony and anyone subject to a domestic violence protective order from possessing a firearm.** The intended effect of this new legislation is to extend the firearms ban to anyone convicted of a "misdemeanor crime of domestic violence." **This bill passed** with almost unanimous support **and represents Congress's recognition that "anyone who attempts or threatens violence against a loved one has demonstrated that he or she poses an unacceptable risk, and should be prohibited from possessing firearms**." *Congressional Record*, p. S11878, September 30, **1996.** This new provision affects law enforcement in three interrelated ways. First, it will assist in preventing those individuals who have demonstrated a propensity for domestic violence from obtaining a firearm. Second, it will assist law enforcement by providing a tool for the removal of firearms from certain explosive domestic situations thus decreasing the possibility of deadly violence. Finally, it will serve as a federal prosecution tool in certain situations where alternatives have failed. *Qualifying Offenses*: As enacted the statute defines "misdemeanor crime of domestic violence" (MCDV) as any state or federal misdemeanor that - "has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim." **This definition includes *all* misdemeanors that involve the use or attempted use of physical force** (e.g., simple assault, assault and battery), if the offense is committed by one of the defined parties. This is true whether or not the statute specifically defines the offense as a domestic violence misdemeanor. For example, a person convicted of misdemeanor assault against his or her spouse would be prohibited from receiving or possessing firearms. It is anticipated that this issue will be subject to litigation. In the event of such litigation, the Terrorism and Violent Crime Section should be notified so that assistance can be provided.

## Extra

#### Ray rice is the quintessential figure of IPV. Our argument is rooted in history and social context—Richard Nixon got on every American television and said we have a heroin problem. After that, every black and white upper-class person decided we need to support the war on drugs to stop the drug problem. This led to, oh I don’t know, the war on drugs which imprisoned millions of black men and ruined their families. Why? Because there was a pathology of drugs and blackness. The whole goal was to criminalize black people. This is exactly the culture that IPV wants to enforce, banning guns will produce the exact same need to just criminalize black males because they are ALREADY seen as the ones who commit the most IPV.

David J. **Leonard** Antiblack Racism and Moral Panics A National Pastime: Antiblack Racism and Moral Panics September 20, 20**14** Professor and Chair  
Ph.D., University of California, Berkeley David J. Leonard is professor in the Department of Critical Culture, Gender, and Race Studies at Washington State University, Pullman. With a B.A. in black studies from the University of California, Santa Barbara, and a master’s and Ph.D. from the University of California, Berkeley, he has dedicated his career to interdisciplinary scholarship, transformative teaching, and research that underscores the continued significance of race within popular culture, the structures of politics, and society at large

http://www.theblackscholar.org/a-national-pastime-antiblack-racism-and-moral-panics/

**At its core, the post-Ray Rice discourse is not about IPV; it is not about concern for Janay Palmer or collectively saying #blackwomenslivesmatter or #womendeservejustice. It is about racial paternalism and the historic efforts to imagine sports not as exploitation, big business, profits, and a health risk, but one of disciplinarity and moralism.** **Ray Rice and Adrian Peterson put these narrative rationalizations in question, resulting in panic and further reimagination of sport as a source of good**. According to King and Springwood (2005), “Perhaps such public concerns and panics are best understood as a form of racial paternalism in which white America struggles to come to terms with its (exploitative) enjoyment of the African American athlete by advancing a linkage between the ostensibly moral and disciplinary space of … big time sports.”

1. Aubrey Wilean “Police Begin Probe of Teenager’s Arrest,” *The Philly.com,* January 18, 2014, accessed January 19, 2014, <http://www.philly.com/philly/news/20140118_Police_begin_probe_of_teenager_s_arrest.html>. [↑](#endnote-ref-1)
2. Kristen Gwynne, “How 'Stop and Frisk' Is Too Often a Sexual Assault by Cops on Teenagers in Targeted NYC Neighborhoods,” *Alternet.com*, January 21, 2013, accessed January 19, 2014, <http://www.alternet.org/civil-liberties/how-stop-and-frisk-too-often-sexual-assault-cops-teenagers-targeted-nyc>. [↑](#endnote-ref-2)
3. Joseph Fried, “In Surprise, Witness Says Officer Bragged About Louima Torture,” *The New York Times*, May 20, 1999, accessed January 19, 2014, <http://www.nytimes.com/1999/05/20/nyregion/in-surprise-witness-says-officer-bragged-about-louima-torture.html>; Mike McAlary, “They Saw Louima’s Terror,” The New York Daily News, September 5, 1997, accessed January 19, 2014, <http://www.nydailynews.com/news/crime/louima-terror-article-1.238610>. [↑](#endnote-ref-3)
4. John Garcia, “Man wins 4 Million Dollar Lawsuit against Chicago Cops,” “*ABCLocalgo.com*, October 7, 2007, accessed January 20, 2014, <http://abclocal.go.com/wls/story?section=news/national_world&id=5711052>. [↑](#endnote-ref-4)
5. Alex Kane, “Chicago Police Accused of Using Gun to Sodomize Innocent Man,” *Alternet.com*, June 24, 2013, accessed January 20, 2014, <http://www.alternet.org/news-amp-politics/chicago-police-officer-allegedly-abused-and-sodomized-innocent-man>. [↑](#endnote-ref-5)
6. Ely Portillo and Cleve R. Wootson Jr., “What Video Shows is at Dispute in Jonathan Ferrell Shooting Case,” *The Charlotte Observer*, September 18, 2013, accessed January 19, 2014, <http://www.charlotteobserver.com/2013/09/18/4323491/cmpd-chief-contradicts-lawyers.html#.Uty1qRDnbIU>. [↑](#endnote-ref-6)
7. The accepted paradigm of investigating Black (heterosexist) existence and political power has almost exclusively been framed by Michelle Wallace’s *The Black Macho and the Myth of the Superwoman* (New York: The Dial Press, 1979), and bell hooks subsequent analysis of phallocentrism articulated in *Black Looks: Race and Representation* (Boston: South End Press, 1992) and her 2004 work *We Reel Cool: Black Men and Masculinity* (New York: Routledge). More recently, Athena D. Mutua’s edited collection entitled *Progressive Black Masculinities* (New York: Routledge, 2006), has attempted to address the gap in research and attention to the ways that Black men are specifically gendered and hence vulnerable to gendered violence, but as demonstrated throughout the collection sexism emerges as dominant moral category of analysis set against the other economic and political disadvantages of Black men. In other words, while Black men are oppressed racially, thy must make an ethical decision to prioritize other systems of domination above their own oppression by racism, or their specific gendered oppressions. Drawing upon the pivotal term of “progressive,” Mutua’s essay “Theorizing Progressive Black Masculinities,” in *Progressive Black Masculinities* argues that “progressive blackness therefore is this intervention. It is the ethical and active participation in antiracist struggles from the standpoint of black self-identity and black communities’ well-being…Ethical participation in antiracist struggles insists that the struggle not be dependent on or committed to the subordination of others. In addition it requires that participants be conscious of the relationships among identities, class, culture, gender, sexual orientation, region, religion, age, and the like” (8).

   Such an ethical stance certainly resonates with the en vogue theories of anti-racist and anti-sexist scholarship, but if the realities of racism and sexual violence are structural, then is it not possible that the matrix of interlocking oppressions obscure some ethical mandates. In other words, can or should Black men disempowered by racism, disenfranchised by incarceration, trust the ideals of equality that bring these ethical mandates into focus. How do Black men that can’t vote, that are surrounded by death, and unemployed, act against sexism, or classism, or homophobia, these prejudices that effect and limits the economic and political recognition of white women and educated Black women in the class above him in any meaningful way beyond their psychical endorsement of the belief? And in what relation does the enjoyment of education, economic, and political power over this group of Black men, what Michelle Alexander has called under-casted men in her book the *New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2010), become anti-progressive Blackness that exceeds our mere designation of racism? [↑](#endnote-ref-7)
8. Recently Black male feminist literature demonstrates the problem I am trying to articulate in the study of Black men. Pop culture scholarship like Mark Anthony Neal’s *Looking for Leroy: Illegible Black Masculinities* (New York: New York University Press, 2013) makes the Black male body a configuration that performs variety, but is hidden illegible in many regards. The legible stereotypes of Black male bodies like the bad Black man is not oppositionally fixed in Neal’s thought, but these performances of Black masculinity are not directed at the concretization of what Black manhood is in the social. Pointing to Hank Willis Thomas’s *Strange Fruit*, “if Thomas’s work aims to disturb the comfort of the prevailing logics about black male bodies, it is a project that I share by suggesting the radical potential of rendering ‘legible’ black male bodies—those bodies that are all too real to us—‘illegible’, while simultaneously rendering so called illegible black male bodies—those male bodies we can’t believe as real—legible (8). There is a level of perception that is acted upon socially, how, one enforces their stereotypes and fears, but at the level of the conditions and constrains of social existence or death, these institutions remain unnamed in Neal’s work. This is not surprising given his work is on popular culture, but this is an example of how the death of Black men, the physical deaths of Black men are not analyzed as they are the cessation of Black male performance—the impossibility of being thought beyond a corpse. Similarly, his previous book *New Black Man* (New York: Routledge, 2006) situates Black masculinity as an ethical project in need of feminist reformation. These offer little analysis of the concrete obstacles and violences that occur to Black men in the world. [↑](#endnote-ref-8)
9. 1-1-1998¶ Critique Arguments as Policy Analysis: Policy Debate Beyond the Rationalist Perspective¶ Pat J. Gehrke University of South Carolina - Columbia, patgehrke@gmail.com¶ CONTEMPORARY ARGUMENTATION AND DEBATE 19 (l998): 18-39.¶ [↑](#footnote-ref-1)